

1 MARK B. FREDKIN, ESQ. [State Bar No. 53550]
2 ELIZABETH M. PAPPY, ESQ. [State Bar No. 164538]
3 MORGAN, FRANICH, FREDKIN & MARSH
4 99 Almaden Boulevard, Suite 1000
5 San Jose, California 95113-1613
6 Telephone: (408) 288-8288
7 Facsimile: (408) 288-8325

5 Attorneys for Plaintiffs American Metal
& Iron, Inc. and Dimond Metal Recycling, Inc.

6 JEFFREY SILVER, ESQ.
7 Attorney at Law
10805 Old Mill Road
8 Omaha, Nebraska 68154
Telephone: (402) 393-1984

9 Attorneys for Defendants Applied Underwriters, Inc.
10 and American Employers Group, Inc.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

13 AMERICAN METAL & IRON, INC.,
14 et al.

NO. 06-cv-05152-JW

17 Plaintiffs

18 | VS.

19 APPLIED UNDERWRITERS, INC., et.al..

**STIPULATION AND ORDER FOR
DISMISSAL OF ACTION
(Federal Rules of Civil Procedure,
Rule 41)**

20 Defendants.

23 **IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES** to this action
24 through their designated counsel that the above-captioned action be and is hereby dismissed
25 with prejudice, pursuant to Federal Rules of Civil Procedure, Rule 41(a)(1). Each party to bear
26 their own attorney's fees and costs.

11

1 Dated: December 19, 2007

MORGAN, FRANICH, FREDKIN & MARSH

2
3 By Elizabeth M. Pappy
4 ELIZABETH M. PAPPY, ESQ.
5 Attorneys for Plaintiffs American Metal &
6 Iron, Inc. and Dimond Metal Recycling, Inc.

7 Dated: December 19, 2007

8 By Jeffrey Silver
9 JEFFREY SILVER, ESQ.
10 Attorney for Defendants Applied
11 Underwriters, Inc. and American Employers
12 Group, Inc.

ORDER

Pursuant to the Stipulation of counsel herein, the Court orders that this case shall be dismissed with prejudice, pursuant to Federal Rules of Civil Procedure, Rule 41(a)(1). Each party to bear their own attorney's fees and costs. The Clerk shall close this file.

Dated: December 20, 2007

HONORABLE JAMES WARE